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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,977	06/10/2004	Lydia Breck	03292.101070.2	3976
66569 7590 07/17/2007 FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER OSBORNE, MATTHEW C	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/709,977

Applicant(s)

BRECK ET AL.

Examiner

Matthew Osborne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

This office action is in response to amendments filed 4/30/2007.

Claims 1-4 are amended. Claims 5-8 are added. Claims 1-8 are examined.

***Response to Arguments***

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrithers et al. (US 5,689,100) in view of Crumbaugh ("Effective marketing positions: Check card as consumer lifeline." Hoosier Banker; Apr 1998; Vol 82, Iss 4; pg 10).
4. Re Claim 1, Carrithers discloses a "debit card system and method for implementing [an] incentive award program," comprising:

- designating a non-currency based account to be used to fund a primary account (see at least Column 5, Lines 26-31, "award account");
- a primary account (see at least Column 7, Lines 30-42, "DDA (demand deposit account)" which allows debit transactions to occur on a banking network, and is tied to debit cards);

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- converting accumulated non-currency based tender in the non-currency based account into currency to fund the primary account (see at least Column 5, Lines 26-31).

Carrithers does not specifically disclose “generating a secondary transaction number and associating the secondary transaction number with at least one primary account” wherein “the secondary transaction number is issued to a first party and is configured to facilitate a plurality of transactions.” However, Crumbaugh discloses a method of issuing debit/check cards to banking customers and “linking them to checking accounts” (see at least Page 10). These debit/check cards inherently contain a secondary account number for use on a credit/debit network and are associated with the customer’s financial account, and are used for multiple transactions (see at least Page 10, “Americans use the cards 10 times per month”). It would therefore be obvious to one of ordinary skill in the art at the time of invention to incorporate Crumbaugh’s debit/check cards into Carrithers’ debit card system and method in order to “enhance customer relationships” (see Crumbaugh, Page 10).

5. Re Claim 2, Carrithers in view of Crumbaugh disclose the limitations of Parent Claim 1, *supra*. Carrithers also discloses:

- designating condition of use parameters (see at least Abstract, “validating data for the transaction when the evaluated transaction data indicated that the transaction has been initiated by an authorized merchant using the unique account number of one of the participants having a sufficient balance in the participant’s corresponding award account”) and associating the parameters to

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the secondary transaction number (Carrithers' associated "unique account number," *supra*, as modified in the Parent Claim 1 rejection, *supra*).

6. Re Claim 3, Carrithers in view of Crumbaugh disclose the limitations of Parent Claim 2, *supra*. Carrithers also discloses:

- recognizing the transaction as involving a non-currency based account (see at least Abstract, "identifying the authorized unique account numbers of the participants ... and data indicating the balance in each participant's award account");
- determining whether the conditions of use parameters have been satisfied (see at least Abstract, "validating data for the transaction when the evaluated transaction data indicates that the transaction has been initiated by an authorized merchant ... [and] having a sufficient balance in the participant's corresponding award account"); and
- reducing, if the conditions-of-use parameters are satisfied, the non-currency based account balance by an amount equivalent to the transaction amount (see at least Figure 3, Item 236).

7. Re Claim 4, Carrithers in view of Crumbaugh disclose the limitations of Parent Claim 2, *supra*. Carrithers also discloses:

- capturing transaction settlement information in a financial capture system (see at least Figure 6, Acquirer/Processor 130, which receives settlement/disbursement information from the CC Network 102),

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- creating an accounts payable file and routing the accounts payable file to an accounts payable system for payment processing (see at least Column 9, Lines 3-11, the “force post debit transaction” file);
- forwarding the transaction settlement information to an accounts receivable system (see at least Column 9, Lines 12-22, forwarded to the Filter Processor 116);
- recognizing that the transaction settlement information comprises a secondary transaction number that is associated with the non-currency based account (see at least Column 9, Lines 12-22, the “parallel and essentially duplicate steps” of Figure 2A, as modified in Parent Claim 2 to include a secondary transaction number);
- issuing a credit from the non-currency based account to the accounts receivable system (see at least Column 9, Lines 12-33, crediting or debiting a dollar account balance against the participating award account balance, in effect crediting the credit card network / A/R system), wherein the credit from the non-currency based account offsets the transaction amount (see at least Column 9, Lines 12-33).

8. System claims 5-8 are rejected for the same reasons set above as corresponding to method claims 1-4, *supra*.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Osborne whose telephone number is 571-272-7325. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew Osborne  
Examiner  
AU 3694

A handwritten mark, possibly initials, consisting of a stylized 'M' and 'O'.A handwritten signature of Ella Colbert.

ELLA COLBERT  
PRIMARY EXAMINER